

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAXIMO GONZALEZ,

Petitioner,

-against-

99-CIV-9732 (KMW) (KNF)
ORDER

HANS WALKER,

Respondent.

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WOOD, U.S.D.J.:

Maximo Gonzalez, pro se, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 31, 2001, Magistrate Judge Kevin Nathaniel Fox issued a Report and Recommendation (the "Report"), recommending that Gonzalez's petition be dismissed, which the Court adopted, having failed to receive timely objections from Gonzalez. However, on December 10, 2004, the Court vacated the order adopting the Report and gave Gonzalez additional time to object because good cause was shown for his failure to timely respond. On March 17, 2005, Gonzalez filed objections to the Report.

The Court has reviewed Gonzalez's objections carefully, and has conducted a de novo review of the record¹ and the legal issues

¹The Court notes that the record is incomplete; specifically pages 1006-1023 of trial testimony by Dr. Azarian Eshkenazi, the psychiatric expert for the prosecution, are missing. The missing pages are not relevant to any of Gonzalez's arguments before this Court except his challenge to the sufficiency of the jury verdict generally. Despite these missing pages, the Court is satisfied that the jury verdict was adequately supported such that it

should not be disturbed on habeas review.

presented. Gonzalez's objections consist entirely of conclusory statements and are unfounded in light of Judge Fox's analysis. The Court finds the Report thorough and well reasoned. Accordingly, the Court adopts the Report, in full.

Finally, the Court appreciates the difficulties Gonzalez alleges to have had in preparing his objections, due to the unavailability at his place of incarceration of a bilingual legal assistant. However, the Court is satisfied that Judge Fox's conclusions were well supported, and even had Gonzalez not faced these difficulties, any objections would have been without merit.

The petition is hereby DISMISSED, without leave to appeal.

SO ORDERED.

Dated: New York, New York
September 16, 2005

Kimba M. Wood

Kimba M. Wood
United States District Judge

should not be disturbed on habeas review.